

FILED
OCT 02 2007

CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

*

CR. 07-40065

Plaintiff,

*

vs.

*

ORDER

JEFFREY PEJCHL,

*

Defendant.

*

*

Pending is the Government's Motion for Competency Examination (Doc. 23) which requests the court enter its order under 18 U.S.C. §§ 4241 and 4242(a) directing the defendant, Jeffrey Pejchl, to submit to a psychiatric or psychological examination to determine (1) the defendant's sanity at the time of the offense, and (2) the defendant's present competency to stand trial and to aid in his defense. The defendant has filed a notice pursuant to Rule 12.2 of the Federal Rules of Criminal Procedure giving notice of his intention to use the defense of insanity at the time of the conduct alleged in the Indictment.

Based on a review of the 18 U.S.C. §§ 4241 and 4242(a), and with good cause appearing, it is hereby

ORDERED that the Government's Motion (Doc. 23) is GRANTED. It is further

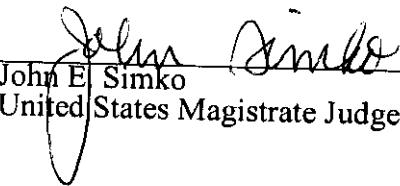
ORDERED that Defendant is committed to the custody of the Attorney General, for a period not to exceed 45 days, and that the United States Marshals Service transport the defendant to such Bureau of Prisons facility as is capable of performing such psychiatric examination and preparing such report as required pursuant to 18 U.S.C. § 4247(b) and (c) or in the alternative to such private facility with like capability and further that after examination a report be prepared pursuant to 18 U.S.C. § 4247(b) and (c) and that the report address:

1. Whether the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense;
2. Whether the defendant as a result of severe mental disease or defect was unable to appreciate the nature and quality or wrongfulness of the act as alleged in the pending indictment.

It is further ORDERED that the terms of 18 U.S.C. § 4247(b) and (c) shall be complied with. **The evaluating professional shall contact the court with his or her preliminary opinion(s) as soon as the evaluation has been completed. The evaluation report shall be completed and forwarded to the court on or before fifty (50) days after defendant's arrival at the examining facility. The United States Marshals Service is ordered to ensure Defendant remains at the evaluating facility until further order of the court.**

Dated this 2nd day of October, 2007.

BY THE COURT:


John E. Simko
United States Magistrate Judge

ATTEST:
JOSEPH HAAS, Clerk

By Shelly Margulies Deputy

NOTE TO THE UNITED STATES MARSHAL AND THE BUREAU OF PRISONS:

Defendant shall remain at the evaluating facility until further order of the court.